

First Response-Remarks

Claims 1-7 are cancelled without prejudice.

Claim 13 has been amended to depend from claim 8 only thereby overcoming the Examiner's objection to claim 13.

Claim 8 has been amended to overcome the rejection of claims 8-12 under 35 USC § 112, second paragraph. It is now clear that the "first means downstream of the forming means" is "for indexing the first sheet material and the second sheet material after being joined together by said forming means".

With respect to claims 8-12, the Examiner has also expressed doubt about the number of clamp means for indexing sheet materials. There are three such clamp means for indexing sheet materials.

The three clamp means for indexing sheet material is clearly supported by the application which beginning at the bottom of specification page 6 states, "In this manner it is possible to actuate the first clamp means 30, the second clamp means 52 and the third clamp means 54 independently from each other and it is possible to adjust their strokes according to the performance desired simply by acting on the software parameters of the control systems of the respective motors 46, 58, 64."

Thus amended claim 8 clearly complies with 35 USC § 112, second paragraph. This also applies to dependent claims 9-12 and to dependent claim 13 which also depends from claim 8. The amendments to dependent claims 11 and 12 are editorial.

Method claim 18 has also been amended to comply with 35 USC § 112, second paragraph. Claim 18 is now clearly directed to indexing a first sheet of material and a second sheet of material in a particular manner in a method of forming.

The rejection of claims 8-12, 18 and 19 as anticipated by Schepp (U.S. Patent U.S. 4,382,762) is respectfully traversed.

The present invention comprises three clamp means that index two sheet materials through a forming station. The clamp means grips the sheet material so as

U.S. Serial No.: 10/019,536

6

December 2, 2003

to avoid any slipping action. The forming means are disposed upstream the first clamp means (30) and downstream the second and the third clamp means (52, 54). The forming means is used to form a container by blowthermoforming the first and second sheets of material. The first clamp means moves forward the first and second sheet material joined together after they have passed through the forming station. The second and third clamp means move the first and the second sheet material forward independently in order to adjust their relative position before the forming station.

The present invention is not anticipated by Schepp because the apparatus disclosed in U.S. Patent 4,382,762 is designed to process a single web and, therefore, does not comprise two clamp means for indexing, independently from each other, a first and a second sheet material respectively upstream a forming station. Schepp does not even disclose a method where a second sheet material is indexed independently from a first sheet material.

Hence claims 8-12, 18 and 19 are patentable according to 35 USC § 102(a).

The rejection of claims 18 and 19 as anticipated by the admitted prior art is also respectfully traversed. The admitted prior art disclosed in the patent application, pages 1 and 2 does not comprise two clamp means upstream of a forming means for indexing a first sheet material and a second sheet material, respectively toward the forming means. On the contrary, in the prior art, the two sheet materials are always moved together by a single clamp means upstream the forming station.

Claims 14-17 have been amended to claim use of the apparatus to manufacture a particular container. Wharton (U.S. Patent 5,046,659) does not disclose the apparatus of claim 8. Hence, amended claims 14-17 are clearly not anticipated by Wharton.

Dependent claims 20-23 have been added. These claims depend directly or indirectly on claim 13 which in turn depends on claim 8 and which is allowable as stated above. Consequently, claims 20-23 are allowable.

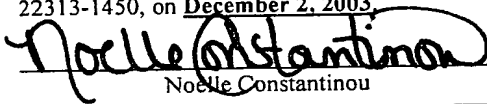
The Commissioner is hereby authorized and respectfully requested to charge any deficiencies or credit any overpayments to our Deposit Account No. 50-0852.

December 2, 2003

Consideration of Claims 8-23 in view of the foregoing amendments and remarks is respectfully requested.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on December 2, 2003.


Noelle Constantinou

Respectfully submitted,

REISING, ETHINGTON,
BARNES, KISSELLE, P.C.



Francis J. Fodale Reg. No. 20,824
P.O. Box 1450
Troy, Michigan 48099-4390
(248) 689-3500